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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,185	03/09/2000	Henry Li	36713/CAG/B600	2282
23363	7590	11/19/2004	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			VINCENT, DAVID ROBERT	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			2661	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No. 09/522,185	Applicant(s) LI ET AL.	
	Examiner David R Vincent	Art Unit 2661	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached response to arguments.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-94.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

David R Vincent 11/13/04
David R Vincent
Primary Examiner
Art Unit: 2661

Advisory Continued

Response to Arguments

1. Applicant's arguments filed 10/18/04 have been fully considered but they are not persuasive.

Response to Arguments

In re pg. 26 the applicant argues Arimilli fails to disclose full duplex data exchange and other limitations recited in claim 1.

In response, it is requested that the applicant be more specific in stating exactly what limitation the applicant believes Arimilli fails to disclose rather than simply copying and pasting a claim into the arguments. For claim 1 see the previous office action.

In the event that the applicant was trying to argue that Arimilli fails to disclose a full duplex operation, the examiner maintains that this limitation was met (see previous office action, Fig. 6C; using analog telephones which are full duplex, or col. 2, lines 51-54; col. 4, lines 44-46; col. 4, lines 53-56; col. 5, lines 9-13; col. 5, lines 22-24; col. 6, lines 33-35). If the applicant believes that because Arimilli disclose a more efficient operation such as using synchronous multiplexing (col. 5, lines 51-65) that somehow that makes the telephones

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operate in a half duplex manor, please provide any documentation that supports that reasoning so the examiner can consider it.

In re pg. 27, the applicant argues Arimilli discloses a synchronous packet network but fails to disclose a packet based network "because a packet based network, by definition, is asynchronous".

In response, by what/who's definition? Please provide any documentation that supports that reasoning so the examiner can consider it. Arimilli discloses both synchronous and asynchronous data (Figs. 5A-5D) and a synchronous packet network so therefore it is possible for a packet network to not be asynchronous. Furthermore, there is no mention of this limitation in the claims (the packet based network is not further defined) and the specification is not the measure of the invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art; see In re Sprock, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968). Arimilli discloses using packets (col. 5, lines 40-65); and using packet data networks (col. 9, lines 15-47, especially line 39; DDS network, Fig. 6B).


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In re pg. 27, the applicant argues Arimilli combines information over a single composite link.

In response, the examiner does not know exactly what limitation the applicant is trying to say is not met but Arimilli clearly does not merely combine information over a single composite link (col. 5, lines 10-14 or lines 22-29; using at least two eight channel interface cards, sixteen ports, col. 6, lines 35-47, and at least two lines, col. 6, lines 59-65; and that those skilled in the art will readily recognize that the physical implementation of the applied art need not follow the physical partitioning exemplified here, col. 6, lines 28-34).

In re pg. 28 the applicant argues Arimilli fails to disclose simultaneously exchanging data.

In response, Arimilli does disclose standard telephones, various standard transmission lines (col. 5, lines 10-14 or lines 22-29; at least two lines, col. 6, lines 59-65) and getting the data to the destination simultaneously (col. 6, lines 31-47).


DAVID VINCENT
PRIMARY EXAMINER